**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,

Plaintiff,

v.

Civil No. 2:07cv170

**KENYA WHITAKER AND
EASY SOFTWARE SOLUTIONS, LLC.,**

Defendants.

Declaration of Larry Johnson

Pursuant to 28 U.S.C. § 1746, I, Larry Johnson declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of eighteen (18) years and am fully competent to testify to the matter stated in this declaration. This declaration is based upon my personal knowledge, Liberty's corporate and business records, and information available form Liberty's employees and agents.

2. I have served as the Director of Technical Support at JTH Tax, Inc. d/b/a Liberty Tax Service ["Liberty"] since April 2004. Prior to that position, I served as Liberty's Technical Support Supervisor from April 2003 through April 2004 and as a Technical Support Representative from December 2002 through April 2003.

3. In the capacity as Director of Technical Support, I oversee all technological support provided by Liberty to its franchisees, such as Kenya Whitaker and Easy Software Solutions, LLC (collectively "Whitaker").

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4. As a Liberty franchisee, Whitaker was provided with extensive assistance by Liberty. This assistance included technological assistance with software, tax preparation, operations among many more areas. Ms. Whitaker was afforded the ability to call Liberty's technological support staff which during the peak of tax season operates twenty-four hours a day, seven days a week. Whitaker was also afforded the opportunity to access technological information 24 hours a day on Liberty's franchisee website.

5. Liberty's entire Technological support staff is located at Liberty's Virginia Beach, Virginia headquarters.

6. I live and work in Virginia Beach, Virginia. Travel to Texas for a trial would be extremely inconvenient.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17 day of May 2007.

Larry Johnson